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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,834	06/23/2003	Modie Katz	10454	9560
25203	7590	01/18/2005	EXAMINER	
NATIONAL IP RIGHTS CENTER, LLC SCOTT J. FIELDS, ESQ. 550 TOWNSHIP LINE ROAD SUITE 400 BLUE BELL, PA 19422			PHAN, HAU VAN	
			ART UNIT	PAPER NUMBER
			3618	
DATE MAILED: 01/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/601,834

**Applicant(s)**

KATZ, MODIE

**Examiner**

Hau V Phan

**Art Unit**

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Allowable Subject Matter*

1. The indicated allowability of claims 2-5 and 14-15 are withdrawn in view of the newly discovered reference(s) to Pullman (5,333,885). Rejections based on the newly cited reference(s) follow.

### *Claim Objections*

2. Claim 13 is objected to because of the following informalities: Claim 13, should be depended on claim 12, because claim 11 did not claim a U-shaped handle. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 4, 6-7, 12, 16-17 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Pullman (5,333,885).**

Pullman in figures 1-5, discloses a combination apparatus, which converts from a dolly to a cart comprising a box for hauling a load. The box includes a bottom portion (13) having four sides, and at least three side portions (11, 12, 14) disposed about at

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least three sides of the bottom portion and extending perpendicularly outward from the bottom portion. Pullman also discloses a detachable handle (23). The handle removably attached to the box in at least two positions such that handle is used in a first position as a dolly and in a second position as a cart. Pullman also discloses at least one wheel (16) attached to the box, at least one stabilizing foot (25) attached to the box and a gate portion or a shelf plate (38) removably attached to the fourth side of the box and extending outward.

Regarding claims 6 and 16, Pullman discloses an axle (15), which is mounted on the underside of the box for mounting the at least one wheel.

Regarding claims 7 and 17, Pullman discloses the at least one wheel comprising two wheels mounted on the axle. The two wheels mounted on opposing sides of said box.

Regarding claims 12 and 22, Pullman discloses the detachable handle, which is an U-shaped having a handle portion and opposing parallel shafts.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman (5,333,885) as applied to claims 1, 4 above, and further in view of Gonzalez (5,159,777).**

Pullman discloses the gate portion, but fails to show an accessory box.

Gonzalez in figure 1, teaches a fishing cart apparatus comprising an accessory box (30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination apparatus which converts from a dolly to a cart of Pullman with the addition of an accessory box as taught by Gonzalez in order to receive various components.

**7. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman (5,333,885) as applied to claims 1, 4 above, and further in view of Chateauneuf et al. (4,570,961).**

Pullman discloses the axle, but fails to show the axle located at a distance such that outer perimeter of each wheel is flush with the front side of the box.

Chateauneuf et al. in figure 7, teach a cart comprising an axle and a wheel (67), which is located at a distance such that outer perimeter of each wheel is flush with the front side of a box. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination apparatus which converts from a dolly to a cart of Pullman with the cart having an axle and wheel as taught by Chateauneuf et al. in order to position the cart without a positioning flange.

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**8. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman (5,333,885) as applied to claims 7 and 17 above, and further in view of Hawkins (4,981,412).**

Pullman discloses the axle, but fail to show a pedal mounted on the axle.

Hawkins in figure 1, teaches a hand truck comprising a pedal (62), which is connected to an axle midway between two wheels (56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handcart of Pullman with the addition of a pedal as taught by Hawkins in order to improve way of lifting of the handcart.

**9. Claims 10-11 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman (5,333,885) as applied to claims 1 and 4 above, and further in view of Mosley (5,915,706).**

Pullman discloses the at least one stabilizing foot, but fail to show two U-shaped stabilizing feet.

Mosley in figure 1, teaches a wheelbarrow comprising two U-shaped stabilizing feet (14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handcart of Pullman with the addition of two U-shaped stabilizing feet as taught by Mosley in order to improve durability and load holding capability of the handcart.

**10. Claims 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman. (5,333,885) as applied to claims 11 and 21 above, and further in view of McConnell et al. (5,464,183).**

Pullman discloses the handle, but fail to show an accessory bar.

McConnell et al. in figure 1, teach an accessory bar (10), which can be attached to a handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handcart of Pullman with the addition of an accessory bar as taught by McConnell et al. in order to hold accessory items on the handcart.

**11. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman (5,333,885) in view of Gonzalez (5,159,777) and Hawkins (4,981,412).**

Pullman in figures 1-5, discloses a combination apparatus, which converts from a dolly to a cart comprising a box for hauling a load. The box includes a bottom portion (13) having four sides, and at least three side portions (11, 12, 14) disposed about at least three sides of the bottom portion and extending perpendicularly outward from the bottom portion. Pullman also discloses a detachable handle (23). The handle removably attached to the box in at least two positions such that handle is used in a first position as a dolly and in a second position as a cart. Pullman also discloses at least one wheel (16) attached to the box, at least one stabilizing foot (25) attached to the box and a gate portion or a shelf plate (38) removably attached to the fourth side of the box and extending outward.

Pullman discloses the axle, but fail to show an accessory box and a pedal mounted on the axle.

Gonzalez in figure 1, teaches a fishing cart apparatus comprising an accessory box (30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination apparatus which converts from a dolly to a cart of Pullman with the addition of an accessory box as taught by Gonzalez in order to receive various components.

Hawkins in figure 1, teaches a hand truck comprising a pedal (62), which is connected to an axle midway between two wheels (56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handcart of Pullman with the addition of a pedal as taught by Hawkins in order to improve way of lifting of the handcart.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Haughan*  
*1/8/05*

Hau V Phan  
Examiner  
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